

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

MIKE HARRIS and JEFF DUNSTAN,
individually and on behalf of a class of
similarly situated individuals,

Plaintiffs,

v.

COMSCORE, INC., a Delaware corporation,

Defendant.

Case No. 1:11-cv-05807

Hon. James F. Holderman

Magistrate Judge Young B. Kim

AGREED MOTION TO SUPPLEMENT SETTLEMENT CLASS NOTICE PLAN

Plaintiffs Jeff Dunstan and Mike Harris (“Plaintiffs”), with the agreement of Defendant, comScore, Inc. (“comScore,” together with Plaintiffs, the “Parties”), hereby respectfully move the Court for an Order granting them leave to supplement the Class notice plan approved by this Court on June 6, 2014 in its order granting preliminary approval of the class action settlement reached in this case (the “Preliminary Approval Order”). (Dkt. 353 at ¶ 10.) In support of this Motion, Plaintiffs state as follows:

1. On May 30, 2014, Plaintiffs filed a motion for preliminary approval (“the Motion for Preliminary Approval”) of their Class Action Settlement Agreement (the “Agreement”) with comScore. The Agreement called for the selected Settlement Administrator, KCC Class Action Services (“KCC”), to develop a plan (“the Notice Plan”) to disseminate notice to the Class describing the terms of the Parties’ settlement embodied in the Agreement and identifying the date of the Final Approval Hearing. (Dkt. 345-2 § 4.1.) The Court held a hearing on the Motion for Preliminary Approval on June 5, 2014, and granted the Motion on June 6, 2014. (Dkt. 353.)
2. The Settlement Administrator’s plan for disseminating notice to the Settlement

Class utilizes both (i) a partial list of Settlement Class members for whom contact information was known (including persons who presently have comScore's software installed on their computers) and (ii) an online print and media campaign to reach other members of the Settlement Class. (*Id.* at § 4.2.) The Notice Plan was consistent with the plan previously agreed-to by the Parties on November 12, 2013 and was designed to ensure that at least 70% of the Settlement Class received such notice¹. (*Id.*)

3. Since the entry of the Preliminary Approval Order, KCC has determined that, to ensure that at least 70% of the Class receives notice of the Agreement and the Final Approval Hearing, the Notice Plan should be supplemented to include additional print publication notice (i.e., in addition to the half-page ad already slated to run in *People* Magazine starting in July 2014) in two additional magazines: *Parade* and *Rolling Stone*. (*See* Declaration of Rafey S. Balabanian, attached hereto as Exhibit A.)

4. As such, the Parties respectfully seek approval of this additional notice to the Class. The proposed supplement to the Notice Plan will not change any deadlines set by the Court, nor will it prejudice the Class in any way, as the deadlines for distributing Notice to the Class have not yet passed.

5. Finally, the Parties have made three non-material changes to the Long Form Notice, which they agree will help clarify the Notice and make it more readable and easier to understand. Though the Preliminary Approval Order authorizes them to make such changes (*See* Dkt. 353 ¶ 16), the Parties nonetheless seek the Court's approval of these changes. (*Compare* Approved Long Form Notice, Dkt. 345-2, Exhibit G, *with* Revised Long Form Notice, attached hereto as Exhibit B, with the three non-material changes described herein redlined at pages 2

¹ The Federal Judicial Center counsels that a notice plan which reaches 70% of the Class is reasonable. *Federal Judicial Center, Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide* (2010), p. 3, available at [http://www.fjc.gov/public/pdf.nsf/lookup/NotCheck.pdf/\\$file/NotCheck.pdf](http://www.fjc.gov/public/pdf.nsf/lookup/NotCheck.pdf/$file/NotCheck.pdf) (last visited Feb. 6, 2014).

(response to Question 2), 3 (response to Question 6), and 4 (response to Question 9)²).

WHEREFORE, Plaintiffs Jeff Dunstan and Mike Harris, respectfully request that the Court enter an Order granting this Motion and approving the above-described supplementation to the Notice Plan and the agreed-upon changes to the Long Form Notice referenced above.

Dated: June 13, 2014

Respectfully submitted,

MIKE HARRIS and JEFF DUNSTAN,
individually and on behalf of a class of
similarly situated individuals,

By: s/ Rafey S. Balabanian
One of Plaintiffs' Attorneys

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² The Revised Long Form Notice attached as Exhibit B bears other minor, non-substantive edits and additions made by the Settlement Administrator, all of which are highlighted in yellow.

CERTIFICATE OF SERVICE

I, Rafey S. Balabanian, an attorney, hereby certify that on June 13, 2014, I served the above and foregoing ***Agreed Motion to Supplement Class Notice Plan***, by causing true and accurate copies of such paper to be filed and transmitted to all counsel of record via the Court's CM/ECF electronic filing system.

s/ Rafey S. Balabanian
